

of office of the last appointed commission if the legislature shall fail to provide for the manner of selecting their successors then their successors shall be elected at the next general election, and at each succeeding general election thereafter, and shall hold their offices for two years, and until their successors shall be qualified.

Senator Crane offered the following amendment to the substitute:

Amend as follows: Strike out all after the word "bill" in line 8 down to and including the word legislature, in line 9 thereof, and insert in lieu thereof the following: "until their successors are elected or appointed."

Further amend by striking out the word "said" in line 10, and insert in lieu thereof "the next."

Senator Pope withdrew his substitute and the question recurred to the amendment of Senator Townsend.

(President pro tem Cranford in the Chair)

The substitute and amendments were discussed by Senator Pope in favor of his substitute, by Senator Crane in favor of his amendment and by Senators Garwood for, Simkins against, Kearby for and Johnson for Senator Townsend's amendment.

Senator Simkins offered the following substitute for the amendment:

Section 1. Be it enacted by the Legislature of the state of Texas, That a railroad commission is hereby created to be composed of three persons, to be appointed by the Governor as follows:

If the Legislature be then in session, the Governor shall, upon the taking effect of this act, by and with the consent of the Senate, appoint said commission; but if the Legislature be not in session, the Governor shall make such appointment, and each commissioner so appointed shall hold his office until the second Monday after the inauguration of the next succeeding Governor, and until his successor is appointed and qualified. The next and each succeeding governor shall, on the second Monday after his inauguration, or as soon thereafter as practicable, appoint said commissioners, who shall each hold his office until the second Monday after the inauguration of the next succeeding governor, and until his successor is appointed or elected and qualified, or until the Legislature shall by law provide for the election of such commissioners, or for some other method of selection.

Withdrawn.

Senator Page offered the following substitute for the amendment of Senator Townsend:

Section 1. Be it enacted by the Legislature of the State of Texas, that a railroad commission is hereby created to be composed of three persons, to be appointed by the Governor as follows: If the Legislature be then in session the Governor shall, upon the taking effect of this act, by and with the advice and consent of the Senate, appoint said commission; but if the legislature be not in session the Governor shall make such appointment, and each commissioner so appointed shall hold his office until the second Monday after the inauguration of the next succeeding Governor, and until his successor is appointed and qualified. The next Governor shall on the second Monday after his inauguration, or as soon thereafter as practicable, appoint said commissioners, who shall each hold his office until the second Monday after the inauguration of the next succeeding Governor, and until his successor is elected. Provided, that at the general election for state officers in 1891, and at every general election thereafter, the commissioners herein provided for shall be elected.

Senator Frank moved that the Senate adjourn till tomorrow at 10 a. m., and that the substitute of Senator Page be printed in the Journal, which prevailed by the following vote:

YEAS—13.

Carter,
Clemens,
Crane,
Frank,

Kearby,
Kimbrough,
Lubbock,
Maetze,

McKinney,
Seal,
Simkins,
Tyler,
Whitley.

NAYS—12.

Atlee,
Burney,
Clark,
Cranford,

Finch,
Garwood,
Johnson,
Mott,

Page,
Pope,
Potter,
Townsend.

FORTY-NINTH DAY.

SENATE CHAMBER.

Austin, March 11, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT—25.

Atlee,	Garwood,	McKinney,
Burney,	Glasscock,	Page,
Carter,	Harrison,	Porter,
Clark,	J. Ineson,	Seale,
Clemens,	Kearby,	Sinkins,
Crane,	Kimbrough,	Townsend,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Whalley.
Frank,		

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Cranford, the further reading of the same was dispensed with.

Senator Atlee moved to reconsider the vote passing House bill No. 325, and that the Senate ask the return of the same from the House.

Adopted.

Chair gave notice of signing and signed in presence of the Senate

Senate bill No. 61, entitled "An act to repeal exception 3 to article 730, chapter 7, title 8, of code of criminal procedure of the State of Texas."

Also Senate bill No. 298, entitled "An act to authorize and empower the superintendents of the State penitentiaries in Texas to receive from treasurer of the United States in the name of the State of Texas, the bounty on sugar raised and manufactured on the State penitentiary convict farms in Texas."

The following reports were handed in from their respective committee:

COMMITTEE ROOM,
Austin, March 10, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 148, being "An act to provide the manner of collecting the interest and sinking fund on certain bonds held by the school fund of the State of Texas."

Have had the same under consideration and I am instructed to report the same back to the House with the recommendation that it do pass.

Respectfully submitted,

CLEMENS, Chairman.

COMMITTEE ROOM,
Austin, March 10, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 73, being "An act to amend an act to amend article 4767 of the revised civil statutes, regulating the fees of tax collectors, approved April 17, 1883."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CLEMENS, Chairman.

Bill read first time.

Senator Clark presented the following report from special committee, which was read by the secretary:

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE, }
Austin, Texas, March 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee appointed to visit and examine the North Texas lunatic asylum at Terrell beg leave to submit the following report:

So far as the management of this institution is concerned we have nothing but praise for the gentlemanly and able superintendent, Dr. Preston and his assistants. The patients are receiving every attention possible. The bedding and clothing are found abundant, clean and comfortable, the food plentiful and well prepared, the kitchen, dining rooms, bed rooms and occupied wards scrupulously neat and clean and in good order.

We found the most of the basement of the building in a miserable condition, so much so that it is impossible to use it. The floors are decayed and worthless, and it seems an absolute necessity that repairs be made at once in this department in order that it may be fit for occupancy. To put the basement in good condition will be to make room and comfortable wards for about one hundred patients.

We found the water supply at this institution very limited, thereby causing great inconvenience to the management and inmates. We are informed by superintendent that they should have at least 90,000 gallons of water daily, while they now have only about 30,000 gallons. An artesian well is being sunk on the grounds under a contract made some two years ago. This well is now near 2000 feet in depth,

but as yet no flow of water has been attained. We found that if a sufficient water supply could be obtained at least 300 more patients could be taken in and cared for whereas under the present state of affairs it is impossible to receive more patients. We earnestly recommend that the State make provision as early as possible for water sufficient to fully supply the demands of the institution.

We found the mouth of the main sewer within about two hundred yards south of the buildings of the institution, and the south winds drive the fearful odor immediately to the buildings. Every consideration of health and cleanliness demands that this sewer be extended at least one mile from the present location. It is estimated that this extension will cost about \$4000, and that we sincerely hope the Senate will make provision to have this done.

One of the things most needed, probably above all others, is the erection of a building for the use of the sick and infirm. Any one can readily see the necessity for such a building, that the sick and infirm may be specially cared for, and that they may not be disturbed by the more vigorous and healthy inmates. It is estimated that this building will cost \$6000, and it is our candid opinion that the State could make no improvement more needed than this infirmary. We also found the institution in need of a carpenter and paint shop and dead house, at an estimated cost of \$1000. These we believe to be needed, and should be built.

The State's land now uninclosed in front of the asylum should be properly enclosed with a substantial fence and brought into use for recreation grounds, and airing courts for the benefit of patients. The present enclosure is wholly inadequate.

The number of cows at the asylum is not sufficient to supply milk needed and should be increased. More horses, wagons and mules are also needed on the farm and for general purposes, for the purchase of all of which we recommend the appropriation of \$2500.

In conclusion, your committee will state that we made a personal examination of every department of this institution, and the recommendations made herein as to the improvements needed we hope will be acted upon

favorably. We also find that the estimates for appropriations for the support of the asylum for the next two years is based upon the actual necessities of the institution.

Respectfully submitted,
JAMES CLARK,
Acting Chairman Committee.
KIMBROUGH.

BILLS AND RESOLUTIONS.

By Senator Frank:

A bill to be entitled "An act to encourage the construction and maintenance of deep water Harbors, navigable channels, docks and wharves on the gulf coast within the State of Texas."

Read first time and referred to committee on Internal Improvements.

By Senator Tyler:

A bill to be entitled "An act to require railway companies in Texas to pay their employes in money, at the place where they are employed and paid."

Read first time and referred to committee on Internal Improvements.

Senator Burney moved to postpone pending business and take up out of its regular order

Senate bill No. 148, entitled "An act to provide the manner of collecting the interest and sinking funds on certain bonds held by the school fund of the State of Texas."

Adopted.

Bill read second time with a favorable committee report and ordered engrossed.

Senator Clemens moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to its third reading and final passage.

Adopted by the following vote:

YEAS—26.

Atlee,	Glasscock	Page.
Burney,	Harrison,	Pope.
Carter,	Johnson,	Potter,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins.
Conford,	Lincoln,	Tow send,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whitley.
Garwood,	Mott.	

NAYS—None.

Bill read third time and passed.

By consent Senator Pope introduced the following bill:

A bill to be entitled "An act to amend article 711 of the penal code of

the State of Texas by adding thereto 711a."

Read first time and referred to Judiciary committee No. 2.

The following messages were received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS. }
March 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed the following bills:

Substitute House bill No. 77, "An act to facilitate the disposition of certain criminal cases in county courts," ayes 74, nays 5.

Substitute House bill No. 79, "An act to amend articles 1228, 1229 and 1280 of the revised civil statutes of the state of Texas."

House bill No. 349, "An act to carry into effect the constitutional amendment empowering counties to determine by vote whether 15 cents road tax shall be levied by county commissioners court."

House bill No. 526, "An act to be entitled an act to create a more efficient road system for the counties of Grayson, Galveston, Dallas, Brown, Comanche Mills, Fannin, Travis, Hunt Hill, Collin, Denton, Kaufman and Fayette, in the State of Texas, authorizing the employment of a road commission, defining his duties, prescribing penalties for his failure to perform his duties and further defining the powers of the commissioners courts of the said counties under this act;" ayes 86, noes none.

Also that the House has passed a resolution to adjourn sine die at 12 m. o'clock March 23, 1891.

I return to the Senate House bill No. 325, as requested by your honorable body.

SAM H. DIXON,
Chief Clerk House of Representatives.

ORDER OF THE DAY.

Question recurred to the consideration of Senator Page's substitute for the amendment of Senator Townsend to House substitute Senate bills Nos. 1, 3 and 58, entitled "An act to establish a railroad commission for the state of Texas, whereby discrimination and extortion in railroad charges may be prevented, and reasonable freight and

passenger tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads and to afford railroad companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement.

The following messages were received from His Excellency the Governor:

EXECUTIVE OFFICE,
Austin, March 10, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Vas. Stickley as inspector of hides and animals in and for Hemphill county, Texas.

Respectfully,

J. S. HOGG,
Governor of Texas.

EXECUTIVE OFFICE,
Austin, March 11, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Sam F. Dunn, of Potter county, as inspector of hides and animals for Potter county, Texas.

Respectfully,

J. S. HOGG,
Governor of Texas.

EXECUTIVE OFFICE,
Austin, March 11, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of John Temple, of Hartley county, as inspector of hides and animals for Hartley county, Texas.

Respectfully,

J. S. HOGG,
Governor of Texas.

(Senator Whatley in the chair.)

Substitute of Senator Page to Senator Townsend's amendment to pending bill was debated by Senator Carter against substitute and amendment and Senator Tyler for amendment.

(President in the chair.)

Senator Page, by consent of the Senate, withdrew his substitute and called for the previous question on the amendment.

The previous question was ordered and Senator Townsend's amendment was adopted by the following vote:

YEAS—16.

Atlee,
Clark,
Cranford,
Garwood,
Glasscock,

Harrison,
Johnson,
Kearb,
Lubbock,
Mott,

Page,
Pope,
Potter,
Seale,
Townsend,
Tyler.

NAYS—11.

Burney,

Finch,

McKinney.

Carter, Frank, Simkins,
Clemens, Kimbrough, Whatley,
Crane, Maetze.

I vote against the amendment providing for an elective commission although my judgment generally approves the election of all officers by a direct vote of the people. I do this in order to maintain harmony between the Senate and House, the House having already adopted with such unanimity the appointive feature of the bill, and also further believing that certain conditions necessary to the success of the commission require an appointive commission.

FINCH.

We voted "no" on this question because we thought it right and necessary that the three commissioners first appointed should have at least three years to prove their administrative abilities, before they can be removed, and we would have voted for the amendment by Senator Page, making the commissioners elective in 1894, if it had not been withdrawn in the last moment.

MAETZE,
CLEMENS.

Subdivision "A" of section 1 was read and considered.

The following messages were received from his excellency the Governor:

EXECUTIVE OFFICE,

Austin, Texas, March 11, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Z. T. Fulmore, S. K. Morley, J. B. Davies, J. P. Hart and W. H. Tobin, of Travis county, as the board of trustees of the blind asylum.

Respectfully,

J. S. Hogg.

Governor of Texas.

Senator Frank offered the following amendment to the pending section:

Amend subdivision "A" section 1, page 5, line 4, by striking out the word "twenty five" and inserting the word "forty."

Senator Kimbrough offered the following substitute:

Strike out "forty" and insert "thirty-five."

Senator Pope moved to table the amendment and the substitute.

Adopted by the following vote:

YEAS—17.

Carter, Johnson, Pope,
Clark, Kearby, Seale,
Clemens, Lubbock, Simkins,
Crane, McKinney, Townsend,
Cranford, Mott, Tyler,
Finch, Page,
Harrison.

NAYS—8.

Burney, Glasscock, Potter.

Frank, Kimbrough, Whatley,
Garwood, Maetze.

Senator Potter offered the following amendment:

Amend by adding to clause a of section 1 the following: "No person holding any official position under the constitution and laws of this State shall ever be eligible during the term of such office to the office of commissioner under this act."

Senator Carter moved to table the amendment, which prevailed by the following vote:

YEAS—15.

Carter, Finch, Mott,
Clark, Glasscock, Page,
Clemens, Kimbrough, Simkins,
Crane, Maetze, Townsend,
Cranford, McKinney, Whatley.

NAYS—11.

Burney, Johnson, Potter,
Frank, Kearby, Seale,
Garwood, Lubbock, Tyler,
Harrison, Pope.

Senator Kearby offered the following amendment:

Amend subdivision A, section 1, page 2, line 10, by striking out the words "a reasonable time" and in lieu thereof insert "thirty days."

Adopted by the following vote:

YEAS—14.

Burney, Johnson, Potter,
Clark, Kearby, Simkins,
Cranford, Mott, Townsend,
Garwood, Page, Tyler,
Glasscock, Pope.

NAYS—12.

Carter, Frank, Maetze,
Clemens, Harrison, McKinney,
Crane, Kimbrough, Seale,
Finch, Lubbock, Whatley.

Senator Glasscock offered the following amendment:

Strike out in lines 7 and 8, clause a the following words:

"Shall voluntarily become so interested."

Lost by the following vote:

YEAS—12.

Clark, Glasscock, Potter,
Clemens, Harrison, Seale,
Cranford, Maetze, Townsend,
Garwood, Pope, Tyler.

NAYS—14.

Burney, Johnson, Mott,
Carter, Kearby, Page,
Crane, Kimbrough, Simkins,
Finch, Lubbock, Whatley,
Frank, McKinney.

Senator Cranford offered the following amendment:

Amend by adding to section 1, clause a, "no such commissioner shall be eligible to any other State office for two years after the expiration of his term of office as commissioner."

Senator Crane offered the following amendment to the amendment which was accepted by Senator Cranford:

"Provided, however, nothing herein

shall prevent the re-election of a commissioner."

The amendment as amended was adopted.

Subdivision b of section 1, read and considered.

Subdivision c of section 1, read and considered.

Subdivision d of section 1, read and considered.

Subdivision e of section 1, read and considered.

Senator Kearby offered the following amendment:

Amend subdivision e by striking out \$4000 and insert \$3500 in line 29, page 2.

Lost by the following vote:

YEAS—4.

Clark.	Cranford,	Kearby.
		Townsend.

NAYS—23.

Atlee,	Glasscock,	Page.
Burney.	Harrison,	Pope.
Carter,	Johnson,	Potter.
Clemens.	Kimbrough,	Seale.
Crane,	Lubbock,	Simkins,
Finch,	Maetze,	Tyler.
Frank,	McKinney,	Whatley.
Garwood,	Mott,	

Section 1 as amended was adopted.

Section 2 read and considered.

Senator Johnson offered the following amendment:

In line 17, insert after the words "traveling expenses," "which shall include only the cost of transportation."

Adopted.

Senator Frank offered the following amendment:

Amend by striking out the word "such," in line 5, page 3, and insert the words "not more than two."

Adopted.

Senator Kearby offered the following amendment:

Amend section 2, page 3, line 14, by inserting "and" between words "furniture" and "stationery," and by striking out the words "supplies and all necessary expenses."

Lost by the following vote:

YEAS—12.

Atlee,	Harrison,	Pope,
Clark,	Johnson,	Potter,
Cranford,	Kearby,	Seale,
Garwood,	Page,	Townsend

NAYS—15.

Burney,	Frank,	McKinney,
Carter,	Glasscock,	Mott,
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Tyler,
Finch,	Maetze,	Whatley.

Section 2a read and considered. Senator Potter offered the following amendment:

Strike out "may" and insert "shall" in clause A of section 2, and also strike out the word "deemed."

Lost.

The following message was received

from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, March 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform you that the House refuses to concur in Senate amendment to House bills Nos. 24 and 167, known as "the prize fighting bill," and ask for a conference committee on the differences of the two Houses and that Messrs. Melson, Browning of Lampasas, Clegg, Agnew and Riddle on such committee on the part of the House.

Also that the House has adopted the following concurrent resolution:

Whereas under the present arrangement of judicial districts in the state of Texas great irregularity, injustice and extravagance prevails, and whereas a judicial redistricting of the state into judicial districts would greatly relieve the state of the aforesaid mentioned wrong; therefore, resolved by the House of Representatives, the Senate concurring, that when the legislature enters upon the work of redistricting the state into representative senatorial and congressional districts it shall also redistrict the same into judicial districts.

Respectfully,

SAM H. DIXON,

Chief Clerk H. of R.

On motion of Senator Burney the Senate conceded the request of the House for a conference committee on the difference between the two Houses on House bills Nos. 24 and 167, and the chair appointed Senators Kearby, Crane, Simkins, Potter and McKinney as such committee on the part of the Senate.

On motion of Senator Pope the Senate adjourned to 3 p. m. this day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

No quorum present.

The following Senators answering to their names:

PRESENT—17.

Burney,	Garwood,	Page,
Clemens,	Glasscock,	Potter,
Crane,	Kearby,	Seale,
Cranford,	Kimbrough,	Tyler.
Finch,	Maetze,	Whatley.
Frank,	McKinney.	

ABSENT—10.

Atlee,	Harrison,	Mott,
Carter,	Johnson,	Pope,
Clark,	Lubbock,	Simkins,
		Townsend.

On motion of Senator Crane, a call of the Senate was ordered.

The following Senators answered to their names:

PRESENT—21.		
Atlee,	Garwood,	McKinney,
Burney,	Glasscock,	Mott,
Clemens,	Johnson,	Page,
Crane,	Kearby,	Potter,
Cranford,	Kimbrough,	Seale,
Finch,	Lubbock,	Tyler,
Frank,	Maetze,	Whatley.
ABSENT—6.		
Carter,	Harrison,	Simkins,
Clark,	Pope,	Townsend.

Question recurred to the adoption of section 2 of the pending bill and it was adopted.

Section 3 read and considered.

Senator Johnson offered the following amendment:

Amend by striking out the first paragraph of section 3 down to the word "imposed" in line 1, page 4.

Senator Clark made his appearance in the chamber, rendered his excuse, and on motion of Senator Burney was excused for absence at the call of the Senate.

Senator Townsend entered the chamber, rendered his excuse, and on motion of Senator Finch was excused.

Senator Carter entered the chamber, rendered his excuse, and on motion of Senator Harrison was excused.

On motion of Senator Crane Senator Pope was excused for this evening on account of sickness in his family.

The following messages were received from the House:

Austin, March 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that a notice has been spread on the journal that a motion would be made tomorrow to rescind the action of the House adopting the resolution adjourning March 23, 1891, and request that said resolution be returned to the House.

SAM H. DIXON,
Chief Clerk House of Representatives.

On motion of Senator Johnson the request of the House was granted.

Senator Frank offered the following amendment:

Amend section 3, page 3, by striking out in line 27 the words "rules" "and orders" and insert between the words "charges," "regulations," the word "and."

Adopted by the following vote:

YEAS—14.		
Atlee,	Glasscock,	Page,
Burney,	Harrison,	Potter,
Cranford,	Johnson,	Seale,

Frank, Garwood,	Maetze, Mott,	Townsend.
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NAYS—12.

Carter, Clark, Clemens, Crane.	Finch, Kearby, Kimbrough, Lubbock.	McKinney, Simkins, Tyler, Whatley.
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Senator Frank offered the following amendment:

Amend section 3 by striking out all after the word "prescribed" in line 31, and insert the following: "through the proper courts having jurisdiction."

Adopted.

Senator Johnson withdrew his amendment and offered the following: Insert the words "the power" after the words "tariffs" in line 28.

Adopted.

Subdivision 3a read and considered.

Subdivision 3b read and considered.

Subdivision 3c read and considered.

Subdivision 3d read and considered.

Subdivision 3e read and considered.

Subdivision 3f read and considered.

Subdivision 3g read and considered.

Subdivision 3h read and considered.

Subdivision 3i read and considered.

Subdivision 3j read and considered.

Senator Whatley offered the following amendment:

Amend by adding at the end of subdivision "j" not to include Sundays."

Adopted.

Subdivision K read and considered.

Senator Glasscock offered the following amendment:

Amend clause "K" of section 3, page 5, by adding after the word law in line 18 "Provided that the rate of transportation for persons between the ages of six and twelve years shall not exceed one-and-one-half cents per mile, and all children under six years of age shall be transported free of any charge."

Lost by the following vote.

YEAS—6.

Garwood, Glasscock,	Kimbrough, Maetze,	Potter, Seale,
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NAYS—21.

Atlee, Burney, Carter, Clark, Clemens, Crane, Cranford,	Finch, Frank, Harrison, Johnson, Kearby, Lubbock, McKinney,	Mott, Page, Pope, Simkins, Townsend, Tyler, Whatley.
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(Senator Page in the chair.)

Senator Potter offered the following amendment:

Amend by adding to last of section 3 the following:

It shall be the duty of each and every railway subject to this act to provide and maintain adequate, comfortable and clean depots and depot buildings at its several stations for the accommodation of passengers, and said depot buildings shall be kept well lighted and warmed for the comfort and accommodation of the traveling public, and all such roads shall keep and maintain adequate and suitable freight depots and buildings for the receiving, handling, storing and delivering of all freights handled by such road.

Adopted by the following vote:

YEAS—14.

Atlee,	Glasscock,	Pope,
Clark,	Harrison,	Potter,
Clemens,	Johnson,	Townsend,
Cranford,	Kearby,	Tyler,
Garwood,	Maeze,	

NAYS—13.

Burney,	Kimbrough,	Page,
Carter,	Lubbock,	Seale,
Crane,	McKinney,	Simkins,
Finch,	Mott,	Whatley,
Frank,		

Senator Tyler moved to reconsider the motion by which Senator Potter's amendment was adopted and asked to have that motion spread upon the journal.

The section (3) as amended was adopted.

Section 4 was considered.

Senator Frank offered the following amendment:

Amend section 4, page 5, line 23, by striking out the word "ten" and inserting the word "thirty."

Senator Kimbrough offered the following amendment to the amendment which was accepted by Senator Frank:

Amend amendment by striking out 30 and inserting 20.

The amendment as amended was lost by the following vote:

YEAS—12.

Atlee,	Cranford,	Glasscock,
Burney,	Finch,	Pope,
Carter,	Frank,	Seale,
Crane,	Garwood,	Simkins,

NAYS—15.

Clark,	Kimbrough,	Page,
Clemens,	Lubbock,	Potter,
Harrison,	Maeze,	Townsend,
Johnson,	McKinney,	Tyler,
Kearby,	Mott,	Whatley,

Subdivision 4a read and considered.

Subdivision 4b read and considered.

Senator Potter offered the following amendment:

Amend by striking out all after the word "contempt" in line 8, of clause 6, section 4.

Withdrawn.

Section 4 as amended was adopted.

Senator Johnson moved that sections 5, 6 and 7 be considered together.

Adopted.

Senator Johnson offered the following amendment which was laid upon the table subject to call:

"Amend by striking out paragraph "A" in section 6, lines 35, 36, 37, page 6.

Senator Burney offered the following amendment:

"Strike out section 5a," which was pending on adjournment.

HOUSE BILLS REFERRED.

Substitute House bill No. 77, entitled "An act to facilitate the disposition of certain criminal cases in county courts."

Read first time and referred to Judiciary committee No. 2.

Also substitute House bill No. 79, entitled "An act to amend articles 1223, 1329 and 1280 of the revised civil statutes of the State of Texas."

Read first time and referred to Judiciary committee No. 1.

Also House bill No. 349, entitled "An act to carry into effect the constitutional amendment empowering counties to determine by vote whether 15 cents road tax shall be levied by county commissioners courts."

Read first time and referred to committee on Roads and Bridges.

Also House bill No. 526, entitled "An act to be entitled an act to create a more efficient road system for the counties of Grayson, Dallas, Galveston, Brown, Comanche, Mills, Fannin, Travis, Hunt, Hill, Collin, Denton, Kaufman and Fayette, in the state of Texas, authorizing the employment of a road commissioner, defining his duties, prescribing penalties for his failure to perform his duties, and further defining the powers of the commissioners courts of the said counties under this act."

Read first time and referred to Judiciary Committee No. 1.

The following telegram was received from the Speaker of the Illinois House of Representatives and ordered read:

SPRINGFIELD Ill.,

March 11, 1891, 5 p. m.

Hon. George C. Pendleton, Austin, Texas:

Palmer elected. C. E. CRAFTS.

On motion of Senator Maeze the Senate went into executive session.

IN THE SENATE.

The following appointments by His Excellency, the Governor, were announced as confirmed by the Senate:

Z. T. Falmore, S. K. Morley, J. R. Davies, J. P. Hart and W. H. Tobin, of Travis county, to be the board of trustees of the blind asylum.

W. B. Walker, F. T. Roche, Henry E. Shelley, L. Shackelford and I. Stein, of Travis county to be managers of the Texas Confederate Home.

Vas Stick ey, as inspector of hides and animals in Hemphill county, Tex.

Sam E. Dunn, as inspector of hides and animals for Potter county, Tex.

John Temple, as inspector of hides and animals for Hartley county, Tex.

On motion of Senator Clemens the Senate adjourned to 10 a. m. tomorrow.

FIFTIETH DAY.

SENATE CHAMBER.

Austin, March 12, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names.

PRESENT—25.

Atlee,	Glasscock,	Mott,
Burney,	Harrison,	Page,
Clark,	Johnson,	Pope,
Clemens,	Kearby,	Potter,
Crane,	Kimbrough,	Seale,
Cranford,	Lubbock,	Simkins,
Finch,	Mactze,	Tyler,
Frank,	McKinney,	Whatley,
Garwood,		

ABSENT—1.

Townsend.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Kimbrough the further reading of the same was dispensed with.

The following communication was handed to the secretary by the chair, read and with the accompanying document was referred to the committee on State Affairs.

Austin, Texas, March 9, 1891.

To the Senate of the State of Texas:

Gentlemen—I herewith transmit to you copies of a letter and statement addressed by me to Hon. L. S. Ross, Governor of Texas. These papers were placed in the executive office January 16, 1891, and copies of them immediately afterwards placed in the office of the comptroller of public accounts. I place these papers before your honorable body in order that the responsibility for the facts therein stated may be assigned where it belongs. Respectfully,

BETTIE B. BREWSTER.

Senator Crane moved a call of the

Senate, which was ordered. The following Senators answered to their names:

PRESENT—25.

Atlee,	Glasscock,	Mott,
Burney,	Harrison,	Page,
Clark,	Johnson,	Pope,
Clemens,	Kearby,	Potter,
Crane,	Kimbrough,	Seale,
Cranford,	Lubbock,	Townsend,
Finch,	Mactze,	Tyler,
Frank,	McKinney,	Whatley,
Garwood,		

ABSENT—3.

Carter, Simkins, Stephens,

Senator Clemens moved to excuse Senator Carter indefinitely on account of sickness in his family, which motion prevailed.

On motion of Senator Kimbrough, Senator Stephens was excused for today and yesterday on account of important business.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,

Austin, March 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 61, being "An act to repeal exception 3 to article 730, chapter 7, title 8, of the code of criminal procedure of the state of Texas, in relation to persons competent to testify in criminal actions, and to permit to testify in prosecutions for seduction the female alleged to have been seduced."

And find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his signature.

CRANE, Chairman.

COMMITTEE ROOM,

Austin, March 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 298, being "An act to authorize and empower the superintendent of the state penitentiaries of Texas to receive from the treasurer of the United States, in the name of the state of Texas, the bounty on sugar raised and manufactured in the state penitentiary convict farms in Texas."

And find the same correctly enrolled and have this day, at 10 a. m., presented the same to the Governor for his signature.

CRANE, Chairman.